



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 02-273

Released: February 6, 2002

COMMISSION SEEKS COMMENT ON APPLICATIONS FOR CONSENT TO TRANSFER CONTROL FILED BY MCT, INC. AND TELEPHONE AND DATA SYSTEMS, INC.

PLEADING CYCLE ESTABLISHED

CC Docket No. 02-9

Comments/Petitions Due: March 8, 2002

Responses/Oppositions to Petitions Due: March 18, 2002

On January 10, 16, and 17, 2002, MCT, Inc. ("MCT") and Telephone and Data Systems, Inc. ("TDS") (collectively, "Applicants") filed applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. §§ 214, 310(d), requesting Federal Communications Commission ("Commission") approval to transfer control to TDS of Commission licenses and authorizations held by MCT and its subsidiaries to provide domestic and international telecommunications services pursuant to parts 22, 63, and 90 of the Commission's rules.¹ Specifically, Applicants request Commission approval to transfer control of wireless licenses and domestic authorizations held by MCT and its subsidiaries, and international authorizations held by MCT's subsidiary, New Hampshire Telephone Company, Inc. d/b/a MCT Long Distance, to TDS. Under the terms of the proposed transfer of control, Maple Acquisition Corp., a wholly-owned subsidiary of TDS, will merge with and into MCT, leaving MCT a wholly-owned subsidiary of TDS.² The consideration for the merger will be the payment of cash by TDS to MCT's shareholders in exchange for their shares in MCT. MCT's subsidiaries will also become wholly-owned, indirect subsidiaries of TDS.

TDS was founded in 1969 and is engaged in the business of acquiring and operating, as a

¹ See Application of MCT, Inc.'s subsidiary, New Hampshire Telephone Company, Inc. d/b/a MCT Long Distance and Telephone and Data Systems, Inc. for Consent to Transfer Global Resale Authority (filed Jan. 10, 2001); Application of MCT, Inc. and Telephone and Data Systems, Inc. for Consent to Transfer Control, ULS File No. 0000734761 (filed Jan. 16, 2001); Application of MCT, Inc. and Telephone and Data Systems, Inc. for Consent to Transfer Domestic Blanket Section 214 Authority (filed Jan. 17, 2001) (*Domestic 214 Application*).

² See *Domestic 214 Application* at 2.

holding company, telephone and other companies primarily in the communications industry. Currently, TDS owns 107 companies providing wireline telephone service in more than 900 rural and suburban communities in 28 states, serving approximately 831,580 access lines. TDS currently operates one incumbent local exchange carrier (LEC) in New Hampshire – Kearsarge Telephone Company (Kearsarge) – through its wholly-owned subsidiary TDS Telecom, Inc. Kearsarge provides service to 10,467 access lines in six New Hampshire exchanges.³ TDS provides no competitive LEC service in New Hampshire and no competitive LECs operate within its service area. United States Cellular Corporation, in which TDS holds majority voting and equity interests, does provide cellular service through subsidiaries in several New Hampshire counties. MCT currently serves 18,863 access lines through its Merrimack County Telephone Company subsidiary. MCT also provides domestic and international long distance services to approximately 4,470 customers through its subsidiary, New Hampshire Telephone Company, Inc. d/b/a MCT Long Distance. MCT does not provide cellular services or personal communications services (PCS) to its customers.

Upon consummation of the transaction, Applicants state that TDS will serve approximately 29,320 access lines in New Hampshire, or approximately 3.6% of the incumbent LEC access lines and 3.4% of the total access lines in the state. The Applicants assert that the purchase of MCT by TDS will promote efficient, high-quality services and competition in local and long distance telephone services in New Hampshire. Applicants further state that the proposed transaction will have no adverse effect upon competition in the provision of domestic, interstate telecommunications services.

The applications for transfer of control listed below are a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the applications filed in CC Docket No. 02-9 for a complete listing of licenses and authorizations.

TRANSFER OF CONTROL APPLICATIONS

SECTION 310 APPLICATION

Parts 22 and 90 – Paging and Radiotelephone Service & Industrial/Business Radio Service

The following application for consent to transfer control from MCT to TDS has been assigned the following file number.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0000734761	MCT, Inc.	KCI301

STREAMLINED INTERNATIONAL SECTION 214 APPLICATIONS

³ See Domestic 214 Application at 7-8.

Part 63—International Service (47 C.F.R. § 63.18)

The application listed below for consent to transfer control to TDS of international section 214 authority held by New Hampshire Telephone Company, Inc. d/b/a MCT Long Distance, a subsidiary of MCT, has been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission’s rules.⁴ This application is for authority under section 214 of the Communications Act,⁵ to transfer control of a section 214 authorization for international global resale, as specified below. This application is eligible for streamlined processing, and may be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or of petitions to deny will not necessarily result in the application being deemed ineligible for streamlined processing.

Streamlined grant of this application is conditioned, however, upon Applicants’ agreement not to transfer these authorizations unless and until the Commission grants the related domestic section 214 and wireless license transfer applications. Streamlined grant would in no way prejudice the outcome of the pending domestic section 214 and wireless transfer applications.

<u>File Number</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C-20020110-00033	New Hampshire Telephone Company, Inc. d/b/a MCT Long Distance	ITC-214-19980911-00646

DOMESTIC SECTION 214 APPLICATION

Part 63 – Domestic Service (47 C.F.R. § 63.01)

MCT and TDS have filed a joint application pursuant to section 214 for TDS to acquire and operate domestic transmission lines held by MCT and its subsidiaries.

GENERAL INFORMATION

The transfer of control applications identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies. Final action will not be taken on the applications earlier than thirty-one days following the date of this Public Notice. Interested parties may file comments or petitions to deny on or before **March 8, 2002**. Oppositions or responses may be filed no later than **March 18, 2002**.

⁴ 47 C.F.R. § 63.12.

⁵ 47 U.S.C. § 214.

All filings concerning any or all matters in this Public Notice should refer to **CC Docket No. 02-9**. Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an Order⁶ temporarily amending certain procedural rules on an emergency basis. Pleadings must be filed electronically (*i.e.*, by e-mail or facsimile), by overnight delivery service, or by hand delivery to the Commission's Massachusetts Avenue location.⁷

- **If filed electronically** by e-mail, pleadings shall be filed at the following e-mail addresses: WTBSecretary@fcc.gov; IBSecretary@fcc.gov; and CCBSecretary@fcc.gov. Please also copy all those listed below. For security purposes, it is recommended that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, pleadings shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and an e-mail address (if available).
- **If filed by hand delivery**, documents shall be delivered to the Commission's contractor, Vistronix, at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. All hand deliveries must be held together with rubber bands or fasteners, and any envelopes must be disposed of before entering the building.
- **If filed by overnight delivery service** other than U.S. Postal Service (USPS) Express Mail and Priority Mail, filings must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-A161, Washington, D.C. 20554; e-mail: jbransco@fcc.gov.
- (3) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; e-mail: iellis@fcc.gov.

⁶ See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001).

⁷ See FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

- (4) Jeff Tobias, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 2-C828, Washington, D.C. 20554; e-mail: jtobias@fcc.gov.
- (5) Bill Dever, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (6) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.com. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Media Relations, Reference Operations Division, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's Electronic Comment Filing System (ECFS) and the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet website.

In addition to filing paper comments, parties may also file comments using the ECFS. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information, contact Aaron Goldberger, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1580.